**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.5816 OF 2005**
**IN**
**CRIMINAL APPEAL NO. OF 2005**

The State of Maharashtra ...Applicant
V/s.
Pradipsinh Yashwantrao Desai & Ors. ... Respondents

Mr.Y.S. Shinde APP for the Applicant.
Ms.Madhavi Tawanandi for Respondents.

**CORAM : V.M. KANADE, J.**

**DATED : 20th SEPTEMBER, 2007.**

**P.C:-**

1. Heard learned APP for the State and learned counsel for the Respondents.

2. State is challenging the order and judgment passed by the Trial Court whereby the Respondents/Accused were acquitted for the offences punishable U/s. 498-A, 323, 504, 506 of IPC r/w 34 of IPC.

3. Learned APP for the State has annexed entire compilation of notes of evidence which was brought on record. He submitted that finding recorded by the Trial Court is perverse and that the Trial Court had not taken into consideration the testimony of the Complainant wherein she in clear and specific terms has stated that the Respondents have harassed her and committed an offence punishable U/s.498-A of IPC. He invited my attention

to the evidence of other witnesses.

4. Submissions made by the learned APP for the State cannot be accepted. In the present case, the Complainant married the Respondent No.1 in 1995 and she was residing with him till 2000 and, thereafter, she was staying with her parents. It is an admitted position that almost for three years before complaint was filed, the Complainant was residing with her parents and that she was served with the notice by the Civil Court on 18/07/2003 and present complaint was filed on 28/07/2003.

5. I have perused the evidence of the Complainant and admission given by the Complainant in her cross examination. In my view, there is no infirmity in the order passed by the Trial Court. The Trial Court after considering the entire oral and documentary evidence on record, has come to the conclusion that the prosecution has not established its case beyond reasonable doubt. There is no reason to substitute view taken by the Trial Court. Hence, leave is refused. Appeal dose not survive.

. Criminal Application is dismissed and disposed of accordingly.

**V.M. KANADE, J.**